Recommendations/advice of UPSC

3217. SHRI VISHNU KANT SHASTRI: Will the PRIME MINISTER be pleased to state:

(a) whether the recommendations or advice made/given by the Union Public Service Commission, particularly on matters concerning appointments, Promotion and Recruitment Rules, are mandatory, if so, under what rules;

(b) what option is left to the UPSC if its advice or recommendation is not accepted by Government;

(c) whether it is a fact that after the non-acceptance of the advice of UPSC by Department of Statistics in a case regarding the amendment of Recruitment rules, the UPSC is not clearing this Department's other proposals; and

(d) If so, the details of the case and the remedial action proposed to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): (a) and (b) Recommendations of UPSC are advisory in nature and are not binding on the Government. However, where the Commission consider a case as that of non-acceptance of their advice by the Government, they mention it in their Annual Report and the Government, while presenting the Report in Parliament, are required to append a memorandum explaining the reasons for non-acceptance of the Commission's advice.

(c) and (d) The question presumably refers to the case regarding association of UPSC with DPCs for promotion to JAG/ SAG level posts in the Indian Statistical Service. The Government is still to take a final decision on the advice of UPSC in this regard. Pending the decision on this issue, it has not been possible to notify the Recruitment Rules approved by the Commission. In the meanwhile, some proposals of the Department of Statistics to UPSC for relaxation of qualifying service for promotion to the JAG grade are still to be concurred in by UPSC and the Commission have advised the Deptt. of Statistics to notify the Rules first. The matter is being taken up with UPSC again.

Voluntary retirement by SPs in CBI

3218. SHRI DAVID LEDGER: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that about 50 Dy. Superintendents of Police in CBI are functioning in the same rank varying from 12 to 15 years with no prospect of promotion to the next rank;

(b) whether it is also a fact that 12 Dy. Superintendents of Police took voluntary retirement during the last 1-1/2 years out of frustration; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): (a) No Sir. 31 Dy. Ss.P. in CBI are presently functioning in the same rank with 12 to 15 years of service. Eligibility condition for a Dy. S.P. to become S.P. is eight years service as Dy. S.P. Promotions to the next higher grade are subject to availability of vacancy and suitability of the candidate.

(b) and (c) 11 Dy. Ss.P. of CBI took voluntary retirement during the last 1-1/2 years. Rules of voluntary retirement do not require disclosure of any reason.

Use of Hindi Language in Competitive Exams

3219. SHRI JANARDAN YADAV: Will the PRIME MINISTER be pleased to refer to answer to Unstarred Question 501 given in the Rajya Sabha on 29th April, 1993 and state:

(a) whether Government propose to make it optional to answer the question papers on Noting and Drafting, and Constitution of India and Rules in the S.O. Grade Limited Departmental Competitive Examination;

(b) whether Government propose to implement Ministry of Home Affairs (Deptt. of Official Language) instructions regarding the provision of option to answer the question papers in Hindi in the above Examination; and

(c) if so, by when and if not, the reasons for not making it optional to answer these question papers?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): (a) No, Sir.

(b) and (c) An option to answer three out of five Question papers of the examination in Hindi is already available. The question of giving the facility to answer the other two question papers in Hindi is being examined in consultation with Ministry of External Affairs, Ministry of Defence and Ministry of Railways.

Cases against executives of PSUs with CBI

3220. SHRI KRISHNA KUMAR BIRLA: Will the PRIME MINISTER be pleased to state:

(a) whether the CBI has registered cases against Chief Executives of Central Public Sector Undertakings during the last 6 months;

(b) if so, the names of the Chief Executives/Undertakings against whom charges have been framed;

(c) the details of the charges framed;

(d) whether Government propose to contemplate further action in the matter; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): (a) and (b) Yes, Sir. During the last 6 months, four cases have been registered by the CBI against Chief Executives as detailed below:

Ex-Chairman-Cum-Managing Director, Rashtriya Chemical Fertilizers, Bombay, Ex-CMD, Vijaya Bank, Bangalore. Chairman-cum-Managing Director (retd.), Hindustan Photo Films Ltd., Ooty.

Ex-M.D., National Consumer Cooperative Federation.

(c) to (e) The cases are at the initial stage of investigation. After the receipt of the investigation report, the concerned administrative Ministries will take necessary action.

Temporary vacancies in Government service

3221. SHRI V. NARAYANASAMY: Will the PRIME MINISTER be pleased to state:

(a) whether, under Central Secretariat Service Rules, direct recruitment is required to be made only against substantive vacancies and all temporary vacancies are to be filled only by the temporary appointment of promotee officers;

(b) whether the confirmation to various grades of said service is regulated by the statutory rules;

(c) whether under recently issued administrative instructions, confirmation has been delinked with availabilities of substantive vacancies but these administrative instructions do not override the statutory provisions of Central Secretariat Service Rules;

(d) whether since 1989 onwards, direct recruitment is being made in Section Officers' grade even against temporary vacancies though there has been no amendment in the Rules to this effect; and

(e) if so, the action Government propose to take against persons responsible for making direct recruitment against temporary vacancies in contravention of statutory provisions of the Rules and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): (a) to (e) Instructions were issued on 28.3.88 and 10.1.89 to delink confirmation from availability of permanent vacancies in each grade. Central Secretariat Service (CSS) Rules do not provide for a linkage between confirmation and availability of vacancies in a particular grade. However, probationers have to pass the prescribed test, and complete their probation to the statisfaction of the appointing authority. CSS Rules provide for direct recruitment to onefifth of the substantive vacancies in Section Officer's grade. Right from 1988, actual direct recruitment to Section Officer's grade made every year is even less than one fifth of the substantive vacancies.

Preparation of panels for promotion of Under Secretaries

3222. SHRI V. NARAYANASAMY: Will the PRIME MINISTER be pleased to state:

(a) whether year-wise panels for promotions to the post of Under Secretary in Central Secretariat Services have not been prepared since 1987;